

TITLE 66

STATE CHARITABLE INSTITUTIONS CHAPTER 13 IDAHO SECURITY MEDICAL FACILITY

66-1301. INSTITUTION ESTABLISHED. The state board of correction shall establish, operate and maintain an institution for persons displaying evidence of mental illness or psychosocial disorders and requiring diagnostic services and treatment in a maximum security setting, and for other criminal commitments as determined by the board of correction or its designee. The institution shall be identifiably separate and apart from those functions, programs and facilities maintained by the board for the ordinary prison population but shall be located adjacent to the Idaho state correctional facility, and shall be known as the Idaho security medical facility.

66-1302. ADMINISTRATOR. An administrator of the Idaho medical facility shall be appointed by the board of correction or its designee. The administrator shall be a reputable and qualified person experienced in the administration of programs for the care and treatment of persons afflicted with mental disorders and with such other qualifications as the board deems necessary.

66-1303. ADMINISTRATOR'S DUTIES. The administrator shall:

- (a) Perform all duties required by law and by the board of correction not inconsistent with this chapter.
- (b) Maintain cognizance of and secure the professional care and treatment of each patient.
- (c) Maintain a complete record on the condition of each patient.
- (d) Retain custody of all patients in such manner as deemed necessary and in the best interest of the patients subject to the regulations of the board of correction.
- (e) Advise and consult with the director of correction regarding the admissions and release of patients to and from the facility.
- (f) To have care and custody over inmates assigned to the facility under the provisions of section 66-1301, Idaho Code.

66-1304. SOURCES OF RESIDENTS. Patients admitted to the facility may originate from the following sources:

- (a) Commitments by the courts as unfit to proceed pursuant to section 18-212, Idaho Code.
- (b) Commitments by the courts of persons acquitted of a crime on the grounds of mental illness or defect pursuant to section 18-214, Idaho Code.
- (c) Referrals by the courts for psychosocial diagnosis and recommendations as part of the pretrial or presentence procedure or determination of mental competency to stand trial.
- (d) Mentally ill adult prisoners from city, county and state correctional institutions for diagnosis, evaluation or treatment.
- (e) Commitments by the courts pursuant to section 66-329, Idaho Code.
- (f) Criminal commitments of the Idaho department of correction requiring some form of specialized program not otherwise available.

Residents coming to the facility in the circumstances of subparagraphs (a), (b) and (e) of this section must first be found to be both dangerous and mentally ill, as defined in section 66-1305, Idaho Code, in judicial proceedings conducted in accordance with section 66-329, Idaho Code.

66-1305. DANGEROUS AND MENTALLY ILL PERSONS DEFINED. For purposes of this chapter persons found to be both dangerous and mentally ill shall mean persons found by a court of competent jurisdiction pursuant to any lawful proceeding:

(a) To be in such mental condition that they are in need of supervision, evaluation, treatment and care; and

(b) To present a substantial risk of physical harm to other persons as manifested by evidence of homicidal or other violent behavior or evidence that others are placed in reasonable fear of violent behavior and serious physical harm to them; and

(c) To be dangerous to such a degree that a maximum security treatment facility is required.

66-1306. FINAL DECISION. The final decision regarding the admission or discharge of patients shall rest with the director of correction, after consultation with the administrator.

66-1307. RETURN OF PATIENT. When a patient transferred to the facility from any other correctional institution or admitted by order of any court no longer requires special treatment in the maximum security setting, the patient shall be returned to the source from which received. The correctional institution or court that referred the patient for hospitalization shall retain constructive jurisdiction over the patient.

66-1308. TRANSPORTATION OF PATIENTS. When a patient is admitted to the facility from a state institution or by order of any court, the expenses and responsibility for transportation of such patients from and to the facility shall be borne by the original institution or the county of the court ordering such admission.

66-1309. COSTS AND CHARGES. The administrator shall seek recovery for expenses incurred in the evaluation, treatment and care of residents as follows:

(a) Extraordinary costs for evaluation, treatment and care of referees by the court for psychosocial diagnosis and recommendations as part of the pretrial or presentence procedure or determination of fitness to proceed shall be charged to the court referring such persons.

(b) Extraordinary costs for evaluation, treatment and care of mentally ill prisoners from county jails admitted for diagnosis shall be charged to the county so referring.

(c) Extraordinary costs for evaluation, treatment and care of commitments by the courts as unfit to proceed shall be the responsibility of the court so committing.

(d) Commitments by the courts after acquittal of a crime on the grounds of mental illness or defect shall be considered a responsibility of the department of correction.

(e) Transferees from other institutions under the jurisdiction of the department of correction shall be considered a responsibility of the department of correction.

(f) For purposes of this section, the term "extraordinary costs of evaluation, treatment and care" includes but is not limited to neurological evaluation, CAT scan, endocrine and/or metabolic evaluation, electro-convulsive therapy, surgery or medical treatment which requires the patient to be transferred to a hospital outside the facility, eyeglasses, and expert witness fees and expenses for court appearances; provided, however, the term does not include physical examination, psychiatric evaluation, psychological testing, obtaining social, medical and criminal histories, group and individual therapy, psychiatric treatment, medication, medical care which can be provided at the facility which is not elective or cosmetic, emergency dental treatment provided at the facility, and board, room and basic toiletries.

66-1310. CIVIL RIGHTS OF RESIDENTS. All patients received from any institution or facility under the jurisdiction of the department of health and welfare shall be accorded those civil rights provided by section 66-346, Idaho Code, with the exception of those aspects of the right to privacy which are inconsistent with the maintenance of a maximum security setting.

66-1311. RIGHT TO HUMANE CARE AND TREATMENT. Every patient shall be entitled to humane care and treatment.

66-1312. STANDARDS FOR TREATMENT. The department of correction and the department of health and welfare shall jointly develop appropriate standards for treatment of patients committed to this facility. It shall be the responsibility of the administrator of the facility to implement those standards.

66-1313. MECHANICAL RESTRAINTS. Mechanical restraints shall not be applied to a patient unless it is determined that such is necessary for either his safety or the safety of other persons at the facility. Every use of a mechanical restraint and the reasons therefor shall be made a part of the clinical record of the patient under the signature of the administrator of the facility, except that mechanical restraints may be used without such recording during transportation of residents from or to the facility.

66-1314. INTERSTATE CONTRACTS. The administrator is authorized to enter into agreements, through the department of correction, with other states for diagnosis and treatment of persons from such states who are both dangerous and mentally ill, on the basis of patient exchange or per diem interstate billing of all costs and expenses.

66-1315. SHORT TITLE. This chapter may be referred to as and cited as the "Idaho Security Medical Facility Act."

66-1316. PATIENTS FROM OTHER INSTITUTIONS. The state board of correction shall be authorized to receive and admit patients of any institution or facility under the jurisdiction of the department of health and welfare, which patients have been determined by a court to be both dangerous and mentally ill as defined in section 66-1305, Idaho Code. The department of health and welfare shall in such cases, retain jurisdiction over the patients.

66-1317. REVIEW OF INVOLUNTARY TREATMENT. The state board of correction shall adopt procedures ensuring that treatment plans are developed for patients at the facility for whom the sentencing court has authorized treatment, that the relative risks and benefits of specific modes of treatment contained in such plans are explained, to the extent possible, to each patient; that when treatment is given over the objection of a patient, there is a review of the decision to provide treatment independent of the treating professional and that a statement explaining the reasons for giving treatment over objection of the patient shall be entered in the patient's treatment record over the signature of the facility administrator.

66-1318. TRANSFER TO NONCORRECTIONAL FACILITIES. Prisoners with a mental illness or defect committed to the board of correction may be transferred to facilities of the Department of Health and Welfare in accordance with rules adopted pursuant to section 66-335, Idaho Code.